

Appendix C

Solicitation Resources Including Model RF(X)

March 1997

**Appendix C is also available electronically on the Internet at
http://www.wa.gov/DIS/OITO/it_manual/index.html**

**An RF(X) Sample Repository is located on the Internet at
<http://www.wa.gov/DIS/OITO/rfx>**

Table of Contents

<u>INSTRUCTIONS FOR USE OF SOLICITATION RESOURCES AND MODEL RF(X)</u>	<u>1</u>
SAMPLE SOLICITATION DOCUMENTS	1
TYPES OF SOLICITATION DOCUMENTS	1
BASIC SOLICITATION CONCEPTS (GENERIC TO ALL TYPES OF SOLICITATIONS)	2
POTENTIAL SOLICITATION PROBLEM AREAS	3
TABLE 1 COMPARISON OF SOLICITATION DOCUMENTS	4
<u>IMPORTANT QUESTIONS AND ANSWERS FOR MODEL RF(X)</u>	<u>5</u>
<u>PROCUREMENT RESOURCES</u>	<u>6</u>
<u>RF(X) COMPETITIVE SOLICITATION GENERIC PROCESS FLOW</u>	<u>8</u>
<u>SAMPLE RESPONDENT INFORMATION LOG</u>	<u>9</u>
<u>SAMPLE PROPOSAL EVALUATION SCORING LOG</u>	<u>10</u>
<u>SAMPLE PROCESS TRACKING LOG</u>	<u>11</u>
<u>SAMPLE RELEASE NOTIFICATION MODEL RF(X)</u>	<u>12</u>
<u>SAMPLE COVER LETTER MODEL RF(X)</u>	<u>14</u>
<u>MODEL RF(X) TEMPLATE</u>	<u>15</u>

Instructions for Use of Solicitation Resources and Model RF(X)

The purpose of this appendix is to provide agencies with a model for creating competitive solicitation documents of any type, for any need. **Model RF(X) is not a fill-in-the-blanks template**. Because each solicitation is different, agencies should use their professional judgment in constructing solicitation documents specific to the needs of each solicitation. Use of agencies' contract staff, Assistant Attorney General, and contract support groups such as Washington Association of Contract Specialists and OITO staff provide additional resources for solicitation preparation.

Sample Solicitation Documents

The Office of Information Technology Oversight (OITO) maintains an *RF(X) Sample Repository* on the Internet at <http://www.wa.gov/DIS/OITO/rfx> containing copies of actual solicitation documents issued by other agencies. Files can be downloaded for ease of review and use. If you have solicitation documents which you think are effective, provide unique alternatives, or otherwise make useful addition to the Repository, please call OITO at (360) 902-3575.

Types of Solicitation Documents

There are many types of solicitation documents, the most commonly used in Washington State government being:

- **Draft RF(X)** - Sent to prospective bidders for comments. Serves to catch technical, administrative, and contract errors and concerns
- **RFI** - Request For Information
Used to gather information about the “state of the market” from vendors
- **RFP** - Request For Proposal
Used for a specific solution and proposal requiring technical skills, specialized expertise, or specialized services
- **RFQ** - Request For Quotation (also called Request For Bid *RFB* or Invitation to Bid *ITB*)
Used to solicit specific price quotes for information technology goods or services
- **RFQQ** - Request For Quotation and Qualification
Used to solicit price quotes and determine qualification of a vendor to deliver information technology goods or services

While there are differences in purpose, content, and intent between various types of solicitation documents, there are many generic components. The concept behind this Model RF(X) is that agency purchasing managers determine the components appropriate for specific procurement needs, and write simple, clear documents addressing those needs. Table 1 *Comparison of Solicitation Documents* on page 5 highlights differences between solicitation types and illustrates areas agencies should consider when drafting specific documents. Table 1 may help in determining the type of document best suited for a specific procurement.

Basic Solicitation Concepts (Generic to all types of solicitations)

Getting Started	<ul style="list-style-type: none">• Determine the need for an acquisition - do agency resources exist?• Determine if adequate agency delegated authority exists⁽¹⁾.• Determine if the procurement falls under the jurisdiction of the Information Services Board's acquisition policy and guidelines⁽²⁾. If yes, review the policy and guidelines.• Identify a coordinator and document author(s).• Assess the market - determine what goods and services are generally available, from whom, and under what terms and conditions.• Review Generic Solicitation Process Flow Chart.• Review Procurement Resources.
Creating the Solicitation	<ul style="list-style-type: none">• Write an acquisition or procurement plan, even if formal approval is not required by OITO. Effective planning facilitates the procurement process and reduces risk of protest or legal action.• Make the document as short and easy-to-read as reasonably possible.• Clearly state the purpose of the solicitation, the need, and requirements bidders must meet.• Clearly state evaluation method to be used.• Clearly state the response due date and calendar of events.• Solicitation documents are generally made part of the ensuing contract. Agencies should decide if review and input from the agency Assistant Attorney General is appropriate.
Managing the Process	<ul style="list-style-type: none">• Develop evaluation criteria and a process to ensure an effective balance between the weight given financial score, technical score, and other criteria. Scoring in a way that clearly indicates winners will reduce protests - it's hard to defend a fraction of a point difference. Caution should be taken that technically inferior proposals do not win on cost alone.• Run through evaluation process prior to release of document, verifying that it works.• Determine that enough expert judgment, experience, and expertise exists on the procurement team for adequate evaluation of proposal responses. If not, obtain outside help.• Verify with managers that adequate resources exist to manage the procurement process and the contract once awarded. Manage the contract prudently.• Determine that adequate funding and spending authority exist.• Determine in advance how out-of-state proposals will be handled - will you require in-person attendance at the pre-proposal conference, etc?• Issue draft RF(X) for complex needs, relying on expertise of vendors to clarify RF(X) language.• Use Appendix B of <i>Acquisition and Disposal of Information Technology Resources in Washington State Government</i> for model contract Terms and Conditions.• Advertise the solicitation, seek bidders.• Provide clear and consistent communication to all bidders and stakeholders in the solicitation.
Completing the Process	<ul style="list-style-type: none">• Notify building receptionists of the time sensitive nature and deadlines for responses. Ensure responses can be accurately and properly handled upon receipt.• Keep adequate records of solicitation events and correspondence.• Personal Services contracts are subject to OFM approval, oversight, and filing with both OFM and Joint Legislative Audit Review Committee (JLARC).

⁽¹⁾ See Policy Statements 2, 3, 4, pages 1-2 *Acquisition and Disposal of Information Technology Resources in Washington State Government*.

⁽²⁾ See Policy Statements 6-7, pages 2-3 *Acquisition and Disposal of Information Technology in Washington State Government*.

Potential Solicitation Problem Areas

Cause	Effect	Potential Risk
No RF(X) coordinator named.	Unorganized solicitation effort. Confusion within agency and from vendors. No accountability.	Complaints and protests. Solicitation may become invalid.
Unclear statement of need.	Proposers don't respond effectively or completely to RF(X).	Protested solicitation, possibly requiring reissue of documents.
Unclear proposal requirements	Vendor confusion. Some proposals incomplete.	Complaints and protests. Solicitation may become invalid. Wrong item acquired. Agency loses responses from potentially good sources.
Document not organized effectively.	Proposers can't find requirements and details. Proposals incomplete or late.	Complaints and protests. Solicitation may become invalid. Agency loses response from potentially good sources.
Timeline too short or not properly defined.	Some proposers miss deadlines. Not enough time for proper demonstrations or proposal preparation. Agency loses responses from potentially good sources.	Complaints and protests.
Ineffective pre-planning for evaluation.	Confusion among agency staff and vendors. Difficulty in documenting process. Difficulty in selecting winner.	Complaints and protests. Legal action. Violation of law or policies.
Incomplete statement of evaluation criteria.	Uncertainty from proposers and evaluation team. Unfair evaluation.	Protested solicitation, possibly requiring reissue of documents. Legal action.
Incomplete, misapplied, or missing OMWBE discussion.	Inappropriate or illegal application of OMWBE credit.	Protested solicitation, possibly requiring reissue of documents. Legal action.
Solicitation not advertised effectively.	Agency loses responses from potentially good sources. Possible non-competitive solicitation.	Complaints and protests. Legal action.
Ineffective pre-bid or debriefing conferences.	Confusion from vendors over solicitation need or purpose. Agency loses responses from potentially good sources	Complaints and protests. Legal action. Violation of law or policies.

Table 1 Comparison of Solicitation Documents

Type	Purpose	Generic Components	Specific Components	Related Information
Draft RF(X)	Sent to prospective bidders for comments. Serves to catch technical, administrative, and contract errors and concerns.	<ul style="list-style-type: none"> • A draft of the solicitation document. 		<ul style="list-style-type: none"> • A cover letter specifically identifying the document as a draft and asking for feedback from vendors. • A contract cannot be awarded from a draft.
RFI	Request For Information. Not an acquisition vehicle, but used for technical discovery or to gather information about the “state of the market” from vendors. Also helpful in developing a potential bidders list.		<ul style="list-style-type: none"> • Can be a simple letter to bidders asking for a response to an outline of the resources contemplated by an agency. • Can be a formal document listing specifics and requesting specialized information or feedback. 	<ul style="list-style-type: none"> • Contains no elements of evaluation. • No contract can be awarded as a result of issuing an RFI.
RFP	Request for a proposal. Used when a specific solution requiring technical skills, specialized expertise or specialized services is required, and there are competing functional solutions in the marketplace.	<ul style="list-style-type: none"> • General Information. • Timelines and deadlines. • Instructions to respondents. • Proposal contents. • OMWBE criteria, if used. • Evaluation criteria & method. • Protest procedures. • Contract Ts&Cs. 	<ul style="list-style-type: none"> • General but detailed description of problem to be solved. • Scope of work to be performed. • Specific requirements. • Expectation of vendor performance. • Proposer qualifications. • Possible request for phased pricing (design, development, implementation). • Appropriate addenda. 	<ul style="list-style-type: none"> • The RFP method generally combines the acquisition of goods and services. • The RFP process gives an agency the opportunity to select the proposal that provides the best value to the state. • Evaluation entails a comprehensive evaluation of proposer’s technical solution, management skills, and cost.
RFQ	Request For Quotation. Used to solicit specific price quotes for information technology goods or services that can be described using technical, functional and business specifications, coupled with general requirements.	<ul style="list-style-type: none"> • General Information. • Timelines and deadlines. • Instructions to respondents. • Proposal contents. • OMWBE criteria, if used. • Evaluation criteria & method. • Protest procedures. • Contract Ts&Cs. 	<ul style="list-style-type: none"> • Specific description of need and desired solution. • Request for specific price quote. • Proposer requirements. • Appropriate addenda. 	<ul style="list-style-type: none"> • Can be used for hardware, equipment, software, or services.
RFQQ	Request For Quotation and Qualification. Used to solicit specific price quotes and determine qualification of a vendor to deliver information technology goods or services. Usually used when the need is well defined and the agency wishes to determine ability and/or willingness of the marketplace to deliver.	<ul style="list-style-type: none"> • General Information. • Timelines and deadlines. • Instructions to respondents. • Proposal contents. • OMWBE criteria, if used. • Evaluation criteria & method. • Protest procedures. • Contract Ts&Cs. 	<ul style="list-style-type: none"> • Specific description of need & desired solution. • Specific description of proposer qualifications and experience desired. • Proposal of specific, qualified individuals to perform the work. • Samples of work illustrating proposer requirements. • Professional references. 	<ul style="list-style-type: none"> • Can be used for services, or a mix of equipment and technical expertise. • Evaluation generally does not entail a comprehensive examination of the bidder’s specific solution.

- Request for specific price quote.
 - Appropriate addenda.
-

Important Questions and Answers for Model RF(X)

- **Who should use the new Model RF(X)?**

All executive and judicial branch state agencies for purchases needing written statement of requirements. Please note that the RF(X) is a model not a required format. The intent is to assist agencies in developing the most effective competitive solicitation documents possible.

- **Will DIS Office of Information Technology Oversight (OITO) help prepare solicitation documents?**

Agencies write solicitation documents. OITO will review documents and provide feedback on compliance with policies, potential improprieties and issues, and areas of agency risk but OITO does not write solicitation documents for agencies.

- **Do the new Model RF(X) documents require Assistant Attorney General approval?**

Solicitation documents are generally made part of the ensuing contract. As such, agencies should determine if review by the agency's Assistant Attorney General is appropriate. Each solicitation document will be different depending upon the type of solicitation, objectives, and agency needs. Please note that the RF(X) is a model not a required format. The intent is to assist agencies in developing the most effective competitive solicitation documents possible.

- **How do I obtain more information about Model RF(X), acquisition requirements, or competitive solicitation processes?**

Contact the Office of Information Technology Oversight at (360) 902-3557, or visit the OITO home page at <http://www.wa.gov/DIS/OITO>.

- **Can agencies simply “fill in the blanks” of the new Model RF(X), then release the document?**

No. RF(X) is a model designed to assist agencies in developing the most effective competitive solicitation documents for any type of solicitation need. Agencies should adapt the model to fit the specifics of each solicitation.

- **How can agencies obtain copies of solicitation documents successfully used by other agencies?**

OITO stores samples of agency solicitation documents on the Internet. For access, go to <http://www.wa.gov/DIS/OITO/rfx>.

- **How are RFP, RFQ, RFQQ, and RFI different? Does the new Model RF(X) address each type of solicitation?**

Yes, model RF(X) is designed to assist agencies in developing the most effective competitive solicitation documents for any type of solicitation need. Agencies should adapt the model to fit the specifics of each type of solicitation. Please see *Comparison of Solicitation Documents* on previous page for additional information on differences between types of solicitation.

- **How do I obtain an electronic copy of the new Model RF(X)?**

The new model can be downloaded from the Internet at: http://www.wa.gov/DIS/OITO/it_manual
Or, call the Office of Information Oversight at (360) 902-3557 for a diskette version.

Procurement Resources

Resource	Description	How To Access
Office of Information Technology Oversight (OITO)	<i>The Office of Information Technology Oversight</i> maintains a site on the Internet that contains information about project management, procurement, policy, the Information Services Board, IT Supplier registration, master contracts, and various other technology-related areas. OITO also stays abreast of trends and changes in software development processes, management, and assessment.	(360) 902-3557 http://www.wa.gov/DIS/OITO/index.html email: acquisitions@dis.wa.gov
Doing Business with Washington State	<i>Doing Business with Washington State</i> is an Internet site maintained by the Office of Information Technology Oversight. This site contains various procurement resources, vendor information, competitive contract postings, and information about GA and OFM procurement guidelines.	http://www.wa.gov/dis/dbww/index.html
Department of Information Services	<i>DIS Tech Central</i> is an Internet site maintained by DIS, containing information about technology in the state of Washington.	http://www.wa.gov/DIS/TechCentral
Strategic IT Plan	The <i>Strategic Information Technology Plan - July 1996</i> is available from DIS or on the Internet.	(360) 902-3566. http://www.wa.gov/DIS/TechCentral
Information Technology Policy Manual	A manual containing the <i>Acquisition and Disposal of Information Technology Resources in Washington State</i> policy and guidelines is available from DIS or on the Internet.	(360) 902-3557 http://www.wa.gov/DIS/OITO/it_manual
OFM Personal Services Contracting Guide	The <i>Guide to Personal Services Contracting</i> is available from Office of Financial Management or on the Internet.	(360) 664-3367 http://www.wa.gov/ofm
GA General Authorities	The General Administration <i>Office of State Procurement General Authorities</i> is available by calling GA or on the Internet.	(360) 902-7400 http://olympus.dis.wa.gov/pub/ga/pca/genauth.htm
IT Supplier Listing	Buyers may search for vendors meeting their criteria. Vendors who want their name added to a listing of IT suppliers do so by contacting OITO or through the Internet. Suppliers on the list are <i>not</i> guaranteed receipt of an RFP since agencies are not required to contact all of the vendors on the list.	(360) 902-3557 http://olympus.dis.wa.gov/procurements/it/vendor.html
IT Procurement Announcements	Agencies post announcement of their solicitations to an Internet site by e-mail or calling OITO. Agencies and vendors may view announcements listed on-line by logging onto the site.	email: acquisitions@dis.wa.gov (360) 902-3557 http://www.wa.gov/DIS/OITO/procurements/itnotice.html
Automated Fax-on-Demand	<i>General Administration's Fax-on-Demand</i> system contains information about general procurement, technology procurement, and master contracts. The system will fax information back to you based upon the requests you enter.	(360) 664-2444

Information Technology Policy Manual

Appendix C - Solicitation Resources Including Model RF(X)

Resource	Description	How To Access
Volume Purchasing	<u>DIS Technology Brokering Services</u> leverages the buying power of agencies for volume pricing discounts on hardware and software.	(360) 902-0300
DIS Master Contracts	<u>DIS Master Contracts</u> allow agencies to purchase a variety of information technology goods and services without the need for competitive solicitation. Information about Master Contracts is available from the <i>Doing Business with Washington State</i> Internet site, the <i>GA Fax-on-Demand</i> system, or by phone.	(360) 902-3301
DIS IT Resource Center	<u>DIS IT Resource Center</u> maintains a library of IT resources containing research and advisory services from the Gartner Group, Meta Group, and Datapro, as well as research sources on the Internet, CD-ROM subscriptions, books and periodicals, and access to many library catalogs.	(360) 902-3577 http://www.wa.gov/DIS/itrc
Computer Select	<u>Computer Select</u> is a monthly CD-ROM subscription, with full text search capability, containing over 12,000 articles from 150 technology periodicals. Articles cover technology products, companies, trends, and innovations. Agencies can obtain a subscription from the <i>Information Access Company</i> , or search specific months through the DIS IT Resource Center.	1-800-227-8431
Sample Solicitation Document Repository	The <u>Sample Repository</u> is an Internet site maintained by the Office of Information Technology Oversight containing copies of actual solicitation documents issued by various agencies. The repository is a source for ideas, language, terms, and specifics agencies may use in creating their own solicitation documents.	http://www.wa.gov/DIS/OITO/rfx
Model Terms and Conditions	A model for constructing solicitation document contract terms and conditions. Located in Appendix B of <i>Acquisition and Disposal of Information Technology Resources in Washington State</i> . Available in hard copy, diskette, or on the Internet.	(360) 902-3557 http://www.wa.gov/DIS/OITO/it_manual
Model Solicitation Document	A model for constructing competitive solicitation documents. Located in Appendix C of <i>Acquisition and Disposal of Information Technology Resources in Washington State</i> . Available in hard copy, diskette, or on the Internet.	(360) 902-3557 http://www.wa.gov/DIS/OITO/it_manual
Office of Minority and Women Owned Business Enterprises OMWBE	Resources available to help locate OMWBE certified firms, obtain information on certification for firms, help with language relative to OMWBE objectives, and help with the mechanics of applying OMWBE credit to eligible proposals.	(360) 753-9693

RF(X) Competitive Solicitation Generic Process Flow

Sample Respondent Information Log

RF(X) for - - - - -
- - - - -
Vendor Database

Company	Contact Name	Address	City	ST	ZIP	Phone	FAX	Email

Sample Proposal Evaluation Scoring Log

RF(X) for _____
- - - - -

Response Due Date:

Respondent Name	Proposal Received	Screen Pass - Fail	Experience Score	OMWBE Credit	Cost Score	Oral Score	Total Score	Ranking	Award

Sample Process Tracking Log

RF(X) for - - - - -
- - - - -

Response Due Date:

COMPANY	RF(X) Sent date	RF(X) Amendments Sent	Pre-Bid Conf. Requested	Pre-bid Response Sent	Proposal Received date/time	Winner Announced	Debrief Requested	Debrief Held	Protest Filed	Protest Resolved

Sample Release Notification Model RF(X)

Seattle Daily Journal of Commerce
PO Box 11050
Seattle, WA 98111
Telephone: (206) 622-8272
Fax: (206) 622-8416

Please run the advertisement typed below for (X) business days, beginning on (X), or as soon thereafter as practical.

Send invoice to:

[AGENCY]
[AGENCY ADDRESS]
ATTN: X

Send affidavit of publication to:

[AGENCY]
[AGENCY ADDRESS]
ATTN: X

Telephone:
Fax:

NOTE: Agencies may want to include OMWBE language in advertisements

*****Start of Advertisement*****

The Washington State [AGENCY], is preparing an [RF(X)] seeking qualified firms or individuals to [EXPLAIN NEED]. Required experience includes a minimum of [DEFINE REQUIREMENTS], and demonstrated experience and expertise in:

- criteria 1;
- criteria 2;
- criteria 3;
- criteria 4; and/or
- criteria 5.

The tentative release date for the RF(X) is [DATE].

Vendors interested in receiving a copy of the RF(X) should contact the RF(X) coordinator listed below. If sending a written request, vendors should include their company name, address, telephone and fax numbers, electronic mail address, and name of contact person. Please include the street address to facilitate any overnight deliveries which may be necessary.

[RF(X) Coordinator]
[AGENCY]
[AGENCY ADDRESS]

Telephone:
Fax:
E-mail Address:

*****End of Advertisement*****

Sample Cover Letter Model RF(X)

date

«COMPANY»
«CONTACT_NAME»
«ADDRESS»
«CITY», «ST». «ZIP»

Dear «CONTACT_NAME»:

Thank you for your interest in contracting with [AGENCY] to provide expertise to assist with [IDENTIFY SOLICITATION NEED REQUESTED]. We appreciate your interest in doing business with the state of Washington.

Enclosed is a copy of the [RF(X) #] which describes our requirements for this contract and provides instructions on proposal preparation. **Responses must be received by (X) p.m., Pacific Time, on (date)** . [AGENCY] and the state of Washington are not responsible for the costs of proposer participation in this solicitation. You may direct any questions about this solicitation to me:

[X, RFQQ Coordinator]
[AGENCY]
[AGENCY ADDRESS]
Phone:
Fax:
E-mail:

Again, thank you for your interest.

Sincerely,

X, RFQQ Coordinator

Enclosure

Request for (RFX)

for

(Product/Service)

RF(X) Number _____ Issued by

(Insert Agency Name)

Proposal Due Date: _____

Insert Agency Affirmative Action Statement

Insert Agency Alternate Format/Special Attention Statement

*****NOTE** - This is an outline for RF(X), revised March 1997. Agencies should consult their Assistant Attorney General for clarification on required and optional sections and language, and use their own professional judgment and preferences for appearance, numbering, format, and content. Copies of real***

solicitation documents issued by agencies can be found in a Sample Repository on the Internet at: <http://www.wa.gov/DIS/OITO/rfx>

Table of Contents

1. INTRODUCTION AND BACKGROUND	18
1.1. INTRODUCTION AND PURPOSE	18
1.2. BACKGROUND	18
1.3. DEFINITIONS	18
1.4. EXPECTED TIME PERIOD FOR CONTRACT	18
1.5. DELIVERY LOCATION	18
1.6. FUNDING	18
1.7. OVERVIEW OF ORGANIZATION	18
2. INSTRUCTIONS TO BIDDERS	19
2.1. DEPARTMENT CONTACT	19
2.2. SCHEDULE OF PROCUREMENT ACTIVITIES	19
2.3. PRE-PROPOSAL CONFERENCE	20
2.4. PROPRIETARY INFORMATION/PUBLIC DISCLOSURE	20
2.5. AMENDMENT TO THE RF(X)	20
2.6. DEPARTMENT RESPONSIBILITIES AND RESOURCES	20
2.7. PUBLICITY	21
2.8. WAIVERS	21
2.9. PROPOSAL FORMAT NOTE: OPTIONAL	21
2.10. WAIVE IRREGULARITIES NOTE: OPTIONAL	21
2.11. BEST AND FINAL OFFER NOTE: OPTIONAL	21
3. PROPOSAL REQUIREMENTS	22
3.1. SUBMITTING PROPOSALS	22
3.2. FUNCTIONAL REQUIREMENTS	22
3.3. TECHNICAL	22
3.4. COST	23
3.5. DELIVERABLE SCHEDULE	23
3.6. SIGNATURES	23
3.7. MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES PARTICIPATION	23
4. EVALUATIONS AND AWARD	24
4.1. EVALUATION PROCEDURE	24
4.2. ORAL PRESENTATIONS MAY BE REQUIRED	24
4.3. PROPOSAL EVALUATION AND SCORING	24
4.4. COMPLAINTS	24
4.5. PROPOSAL REJECTIONS	24

4.6.	CONTRACT AWARD	25
4.7.	APPARENTLY SUCCESSFUL PROPOSER NOTIFICATION	25
4.8.	DEBRIEFING CONFERENCES	25
4.9.	PROTEST PROCESS	25
4.9.1.1	FIRST LEVEL PROTEST PROCESS	25
4.9.1.2	SECOND LEVEL PROTEST PROCESS	26
4.9.1.2.1	TIMELINESS	26
4.9.1.2.2	DIS/OITO REVIEW	26
4.9.1.2.3	ISB REVIEW	26
4.9.2	GROUND FOR PROTEST	26
4.9.3	FORM AND CONTENT	27
4.9.4	AVAILABLE REMEDIES	27
4.10	STAY OF CONTRACT EXECUTION DURING PROTESTS	27
4.11	GENERAL CONTRACT TERMS AND CONDITIONS	27

Introduction and Background

NOTE: Attach necessary exhibits. Possibilities include evaluation criteria, functional demonstration or benchmark requirements, protest procedures, proposal contents, writing requirements, references, statutory responsibilities of the agency, proposer response check list, insurance requirements, financial data, and bid format sheet.

Introduction and Purpose

The issuance of this proposal has been approved by the Agency.

The Washington State Department of _____, hereafter called "Agency" or "Department," is initiating this Request for _____ (RF(X)) for:

NOTE: Provide a clear purpose statement for the solicitation with appropriate details.

Background

NOTE: Explain present system or process and perceived need.

Definitions

NOTE: Provide definitions of terms adequate to facilitate understanding of the RF(X) document.

Expected Time Period for Contract

The period of any contract resulting from this RF(X) is tentatively scheduled to begin on or about _____ and to continue through _____.

NOTE: You may also include specific information on contract extensions. For example: "The Agency reserves the right to extend the contract for two one-year periods."

Delivery Location

The majority of the (products/services) required by this contract will be (performed/delivered) in _____, Washington.

NOTE: You may also specify an agency location or the proposer's offices.

Funding

NOTE: This section is optional. In many instances, an agency may not wish to disclose the project budget.

The Agency has budgeted an amount not to exceed \$_____ for this project. Proposals in excess of this amount will be rejected as non-responsive.

Any contract awarded as a result of this procurement is contingent upon the continued availability of funding.

Overview of Organization

NOTE: Provide enough information so proposers understand the agency, department organization, and the work environment.

Instructions to Bidders

Department Contact

The RF(X) coordinator is the sole point of contact in the Agency for this procurement. All communication between the Proposer and the Agency upon receipt of this RF(X) shall be with the RF(X) coordinator, as follows:

Name	_____
Address	_____
City, State, Zip Code	_____
Phone Number	_____
Fax Number	_____
Internet Address	_____

Any other communication will be considered unofficial and non-binding on the Agency. Proposers are to rely only on written statements issued by the RF(X) coordinator. Communication about this procurement directed to parties other than the RF(X) coordinator may result in disqualification of the Proposer, except as detailed in sections IV-9, 10, and 11 “Protests”.

Schedule of Procurement Activities

All Proposers must adhere to the following schedule of activities. Proposers mailing proposals should allow for normal mail delivery time to ensure timely receipt of their proposals by the RF(X) coordinator listed in this RF(X). In accordance with the provisions of RCW 1.12.070, late proposals will not be accepted, nor will time extensions be granted. The Agency reserves the right to revise this schedule as outlined in section II-5

Issue RF(X).....	_____
Pre-proposal Conference (if applicable).....	_____
Issue addendum to RF(X) (if applicable).....	_____
Written Complaints Due.....	_____
Proposals Due.....	_____
Evaluate Proposals.....	_____
Conduct oral interviews with finalists, if required.....	_____
Announce “Apparently Successful Proposer” and send “Notification of Unsuccessful Proposer” letters.....	_____
Hold Debriefing Conferences (if requested)	_____
Written Protests Due.....	_____
Negotiate Contract.....	_____
Begin Contract Work	_____

NOTE: Agencies may have other requirements, which would be added above. Personal services contracts require filing with OFM and JLARK. Allow ten days minimum for filing procedure.

NOTE: *Select a realistic timeline for the solicitation that allows proposers adequate time to prepare response and do demonstrations, check references, evaluate responses, communicate changes, address vendor concerns, and comply with funding timelines and existing contract expirations.*

The Agency reserves the right to revise the schedule.

Pre-proposal Conference

An optional pre-bid conference will be held on _____, at _____(PM/AM), at _____(address), _____ (city), WA, in the _____ conference room. Each proposer may send a maximum of _____ representatives to the conference. Proposers wishing to participate by telephone must coordinate with the RF(X) coordinator at least two (2) business days in advance of the scheduled conference date. Specific questions concerning the RF(X) should be submitted in writing (or by FAX) no later than _____, so Agency representatives may prepare responses in advance of the conference. Additional questions will be entertained at the conference; however, responses may be deferred and provided at a later date. The response to any question that is given orally at the conference is to be considered tentative. After the conference, questions will be researched and the official response published in writing. This will assure accurate, consistent responses to all vendors.

Copies of all written questions and Agency responses will be mailed to all proposers who receive this solicitation. Only the written responses will be considered official.

NOTE: *Attendance may be made mandatory dependent upon the Agency need. Also, directions for the location of the pre-proposal conference may be attached as an exhibit or included in the cover letter sent with the RF(X).*

Proprietary Information/Public Disclosure

NOTE: *Insert appropriate language per agency guidelines and RCW 42.17.250 to .340.*

Amendment to the RF(X)

In the event that it becomes necessary to revise any part of this RF(X), addenda will be provided to all Proposers who have requested the RF(X).

The Proposer is instructed to disregard any oral representations it may have received. Proposal evaluation will be based on the material contained in the RF(X) and any addenda issued to the RF(X).

The Agency reserves the right to revise the RF(X) and/or to issue amendments to the RF(X). For this purpose, the published questions and answers from the pre-proposal conference and other pertinent information shall be provided as an addendum to the RF(X).

The Agency also reserves the right to cancel or to reissue the RF(X) in whole or in part, prior to execution of a contract. In the event it becomes necessary to revise any part of the RF(X), addenda will be provided in writing to all those who received the RF(X).

Department Responsibilities and Resources

NOTE: Include appropriate Agency responsibilities such as contract management, approval of tasks, monitoring and liaison, work space and supplies provided, other resources provided, etc.

Publicity

The Apparent Successful Proposer without obtaining prior written approval from the Department may release no informational pamphlets, notices, press releases, research reports, and/or similar public notices concerning this project. **NOTE: Optional**

Waivers

The Department reserves the right to waive specific terms and conditions contained in this RF(X). Proposers shall understand that the proposal is predicated upon acceptance of all terms and conditions contained in this RF(X) unless the Proposer has obtained such a waiver, in writing, from the Department prior to submission of the proposal. Such a waiver, if granted, will be granted to all Proposers. **NOTE: Optional**

Proposal Format NOTE: Optional

Waive Irregularities NOTE: Optional

Best and Final Offer NOTE: Optional

Proposal Requirements

Submitting Proposals

Proposers are required to submit ____ copies of their proposal. The proposal, whether mailed or hand delivered, must arrive no later than ____ (a.m./p.m.), Pacific (Standard or Daylight) Time, on the date specified in the Schedule of Procurement Activities section of this RF(X).

NOTE: Number of copies and time depends on Agency's need.

The proposal is to be sent to the RF(X) coordinator designated in this RF(X). The envelope should be clearly marked to the attention of the RF(X) coordinator.

Proposers mailing proposals should allow normal mail delivery time to ensure timely receipt of their proposals by the RF(X) coordinator. Proposers assume the risk for the method of delivery chosen. The Agency assumes no responsibility for delays caused by any delivery service, notwithstanding the provisions of RCW 1.12.070. Proposals may not be transmitted using electronic media such as facsimile transmission.

Late proposals will not be accepted and will be automatically disqualified from further consideration.

Proposals shall be in sufficient detail to permit evaluation and shall include tabs separating the following sections:

NOTE: Describe the format, content, and evaluation criteria for proposals in this section.

NOTE: Clearly describe and define mandatory response (MR) and desired options (DO). Also clearly define those requirements or items that are mandatory scored (MS). Not all MR will be MS. An example could be a MR for dual power supply, which becomes a pass-fail requirement. Clearly define how each item will be scored or evaluated. Be certain neither MR nor DO are written in any way as to favor a particular bidder.

NOTE: Make certain that all requirements appear in the same section of the document, and are written in clear, easily understood language.

Functional Requirements

NOTE: This section of the RF(X) should clearly reiterate the project background, needs, objectives, agency expectations, and any other pertinent information that will explain the problem well enough for the proposer to submit a viable technical proposal. General and specific requirements should be outlined here. Agencies should ensure that requirements are clear, all contained in this section, and not contradictory. Ensure that requirements make sense and can be met by bidders, as well as scored fairly by evaluators. Add sub-sections as required.

Technical

NOTE: Use this section to describe performance requirements for equipment and hardware, or qualification requirements for services or people. Add sub-sections as appropriate for such areas as minimum performance of equipment, minimum qualifications, desirable qualifications, writing samples and benchmarks.

NOTE: Care must be taken to avoid setting qualifications such that competition is unduly constrained or the solicitation favors a particular bidder. Agencies must be able to demonstrate a clear need for expertise qualifications.

Cost

NOTE: Provide a description of the method to be used by Proposers in identifying costs.

Deliverable Schedule

NOTE: Provide a separate schedule indicating when the elements of the work will be completed and when deliverables, if any, will be provided.

Signatures

The Certifications and Assurances form must be signed and dated by a person authorized to legally bind the Proposer to a contractual relationship, e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship.

Minority and Women Owned Business Enterprises Participation

NOTE: Insert appropriate MWBE language, properly reflecting agency guidelines and MWBE goals. Contact the Office of MBWE for assistance at (360) 753-9693.

Evaluations and Award

Evaluation Procedure

The evaluation of proposals shall be accomplished by an evaluation team, to be designated by the Agency, which will determine the proposal most responsive to the requirements stated in this RF(X). Proposals

will be evaluated strictly in accordance with the requirement set forth in this RF(X) and any addenda issued.

NOTE: Agencies must clearly define how proposals will be evaluated. If there is protest on procedural grounds, this section defines the procedure for protest evaluation.

Oral Presentations May Be Required

The Agency, at its sole discretion, may select the top scoring finalists for an oral presentation and final determination of contract award. Commitments made by the Proposer at the oral interview, if any, will be considered binding. The score from the oral presentation, if any, will be factored into the determination of the Apparently Successful Proposer.

NOTE: Omit this section if no oral interview is planned.

Proposal Evaluation and Scoring

NOTE: Clearly define and describe how proposals are to be evaluated, including evaluation criteria and any OMWBE credit. There are multiple ways to evaluate proposals. Agencies have no requirement to assign numerical scores or weights. Any evaluation method is acceptable so long as it promotes open and fair competition, is clearly defined, and is applied consistently.

Complaints

Proposers may submit their complaint to the RF(X) coordinator prior to responding to a solicitation document if a company believes the solicitation document unduly constrains competition or contains inadequate or improper criteria. The complaint shall be made in writing before the due date of the solicitation response. The agency solicitation process may continue. A copy of the complaint shall be forwarded to the Department of Information Services' Office of Information Technology Oversight (DIS/OITO) by the receiving agency without delay. DIS/OITO, however, may take steps to intervene, such as requiring modification of solicitation requirements, modification of schedule, or withdrawal of the solicitation. The resulting decision is final with no further administrative appeal available.

Proposal Rejections

Solely the Department will make determination of clarity and completeness in the responses to any of the provisions in this RF(X). The Department reserves the right to require clarification, additional information, and materials in any form relative to any or all of the provisions or conditions of this RF(X).

The Proposer is specifically notified that failure to comply with any part of this RF(X) may result in rejection of the proposal as non-responsive.

The Agency reserves the right, at its sole discretion, to reject any and all proposals received without penalty, or not to issue a contract as a result of this RF(X). The Agency also reserves the right, at its sole discretion, to waive minor administrative irregularities contained in any proposal.

Contract Award

This RF(X) does not obligate the state of Washington or the Agency to contract for service(s) specified herein.

The Department reserves the right to award the contract not necessarily to the Proposer of the least cost, but rather to the Proposer with the best combination of attributes based on the evaluation criteria.

The director of the Agency or his/her delegate in writing are the only individuals who may legally commit the Agency to the expenditures of funds for a contract resulting from this RF(X). No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

Should the Department fail to negotiate a contract with the Apparent Successful Proposer, the Department reserves the right to negotiate and contract with the next most qualified Proposer. The Department reserves the right to amend the contract with the Proposer selected as the Apparent Successful Proposer to include one or more follow-on projects without additional competition. The Department, in its sole discretion, may or may not choose to pursue these options.

Apparently Successful Proposer Notification

All proposers will be notified via mail, FAX, or e-mail of the Apparently Successful Proposer(s).

Debriefing Conferences

Proposers who submitted a proposal, which was not selected, will be given the opportunity for a debriefing conference. The request for a debriefing conference must be received by the RF(X) coordinator within ____ business days after notification of the Apparently Successful Proposer. The debriefing must be held within ____ business days of the request.

NOTE: Agencies can determine number of days within ISB rules.

Discussion will be limited to a critique of the requesting Proposer's proposal. Comparisons between proposals or evaluations of other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one hour.

Protest Process

4.9.1.1 First Level Protest Process

This procedure is available to Proposers who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Proposer is allowed five (5) business days to file a protest of the acquisition with the RF(X) coordinator. Proposers protesting this procurement shall follow the procedures described herein. Protests that do not follow these procedures shall not be considered.

NOTE: Do not change the number of days or any other items in the protest procedures without first checking the ISB Acquisition and Disposal policy to ensure you have the authority to make the change.

Upon receipt of protest, a protest review will be held by the Agency. All available facts will be considered and a decision will be issued by the Agency within five (5) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event protest may affect the interest of another Proposer which submitted a proposal, such Proposer may be given an opportunity to submit views and any relevant information on the protest to the RF(X) coordinator.

4.9.1.2 Second Level Protest Process

4.9.1.2.1 Timeliness

The following protest procedure is available to Proposers which have complied with the First Level Protest Procedures above. Protests are made:

- A. To the Department of Information Services, Office of Information Technology Oversight (DIS/OITO) only after protesting first to the agency and the agency resolution is not satisfactory to the protesting company. Protests to DIS/OITO shall be received, in writing, within five (5) business days after a company has received notification of the agency's decision.
- B. To the ISB for acquisitions approved by the ISB. The Chair of the ISB shall receive protests within five (5) business days after a company has received notification of the Agency's decision.

4.9.1.2.2 DIS/OITO Review

The DIS/OITO review encompasses acquisitions approved by DIS/OITO and acquisitions within agency delegated authority. A proposer may protest to DIS/OITO in writing within five (5) business days after the company has received notification of the Agency's decision. DIS/OITO shall consider all the available facts, and issue a decision in writing within five (5) business days after receipt of the protest, unless more time is needed. The protesting company shall be notified if additional time is necessary.

The DIS/OITO decision constitutes the final step of the protest process. The resulting decision is final with no further administrative appeal available.

4.9.1.2.3 ISB Review

The ISB review is available for acquisitions approved by the ISB: Protests shall be received by the Chair of the ISB within five (5) business days after a company has received notification of the Agency's decision. The Chair of the ISB, may establish procedures to resolve the protest. The resulting decision is final, with no further administrative appeal available.

4.9.2 Grounds for Protest

Grounds for protest are limited to specific criteria. Only protests based on the following criteria shall be considered:

- A. Arithmetic errors were made in computing the score;
- B. The agency failed to follow procedures established in the solicitation document, the ISB's Acquisition and Disposal of Information Technology Resources policy, or applicable state or federal laws or regulations; or
- C. Bias, discrimination, or conflict of interest on the part of an evaluator.

4.9.3 Form and Content

Proposers shall include in their written protest all facts and arguments upon which the company relies. The minimum form and content that Proposers are required to provide include:

- A. Information about the protesting company: name of firm, mailing address, phone number, and name of individual responsible for submission of the protest;
- B. Information about the acquisition, issuing agency, and acquisition method;
- C. Specific and complete statement of the Agency action(s) protested;
- D. Specific reference to the grounds for the protest;
- E. Description of the relief or corrective action requested; and
- F. For protests appealed to DIS/OITO or the ISB, a copy of the Agency's written decision on the protest.

4.9.4 Available Remedies

The final determination shall:

- A. Find the protest lacking in merit and uphold the Agency's action; or
- B. Find only technical or harmless errors in the Agency's acquisition process, determine the Agency to be in substantial compliance, and reject the protest; or
- C. Find merit in the protest and pursue other options, or in the case of a review by DIS or ISB, provide the Agency with options, which may include:
 - Correct errors and reevaluate all proposals; and/or
 - Reissue the solicitation document; or
 - Make other findings and determine other courses of action as appropriate.

4.10 Stay of Contract Execution During Protests

In the event of a timely protest, the Department may not proceed further with the procurement until the protest is decided.

4.11 General Contract Terms and Conditions

The Apparent Successful Proposer will be expected to enter into a contract with the Agency that is substantially the same as the contract attached as an exhibit to this RF(X).

In no event is a Proposer to submit its own standard contract terms and conditions as a response to this RF(X). The Proposer may submit exceptions or modifications to the proposed terms and conditions.

NOTE: This section can also indicate that the terms and conditions are not negotiable.

SAMPLE Certifications and Assurances Form *(NOTE: This form is optional)*

A. Independent Preparation and Cost Determination

Proposer warrants that, in connection with this project:

- Prices and/or cost data have been arrived at independently, without consultation, communications, or agreement with any other Proposer or with any competitor for the purpose of restricting competition.
- Unless otherwise required by law, the prices and/or cost data submitted have not knowingly been disclosed by the Proposer and will not knowingly be disclosed by the Proposer, prior to award, directly or indirectly to any other Proposer or to any competitor.
- No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not submit a proposal for the purpose of restricting competition.
- In order to ensure fair and equal competition between all Proposers, the development of proposals with the assistance of organizations, or individuals outside the Proposer's organization must be declared in the proposal and the name(s) of such organizations or individuals provided. Failure to acknowledge such assistance and to identify those providing it may result in the disqualification of the proposal. No contingent fees for such assistance will be allowed to be paid under any contract or grant resulting from this RF(X).

B. Price Warrant

Each proposal warrants that the costs quoted for services in response to this RF(X) are not in excess of those charged, any other client for the same services performed by the same individuals.

C. Proposer Meets Minimum Qualifications

All Proposers responding to this RF(X) must certify in writing that they meet the minimum qualifications listed in Section IV-1 of this RF(X).

D. No Conflict of Interest

All Proposers who intend to submit a proposal in response to this RF(X) are hereby notified of the existence of the Ethics in Public Service Act, chapter 42.52 RCW, which governs the extent to which former state employees may be involved in business transactions, including contracts, with the state. Those Proposers who choose to submit a proposal warrants in their proposal that they will comply fully with the Executive Conflict of Interest Act.

E. Proposal Evaluation Period

The Proposer must certify, in writing, that proposals are valid for (X) calendar days after receipt by the Department.

F. Contacting References

The Proposer must grant permission in writing to the Department to contact all references provided in response to this RF(X).

G. Preparation and Travel Costs

The Agency will not be liable for any costs incurred by the Proposer in preparation of a proposal submitted in response to this RF(X), in conduct of a presentation, or any other activities related to responding to this RF(X). The Proposer assumes responsibility for their personnel's travel and associated costs as they relate to the project. These costs must be considered in the bid cost of the proposal.

Attested to by:

Date:

Title